

Applicants: Sprecher et al.

Serial No.: 09/892,949

Filed: June 26, 2001

For: CYTOKINE RECEPTOR ZCYTOR17

REMARKS

The Office Action sets forth a restriction requirement under 35 U.S.C. §121. Applicants were requested to elect one of the four designated groups as briefly noted below:

I. Claims 1-17 and 24, drawn to an isolated polynucleotide, an expression vector, a recombinant host cell and a method of producing the encoded protein, classified in class 435, subclass 69.1.

II. Claims 18-23, drawn to an isolated polypeptide, classified in class 530, subclass 350.

III. Claims 25-28, drawn to isolated antibodies and a method of making antibodies, classified in class 530, subclass 387.9.

IV. Claims 29-32, drawn to a method of detecting a modulator of a cytokine receptor protein, classified in class 435, subclass 7.2.

In response to the Requirement for Restriction Election, Applicants elect Group I, claims 1-17 and 24, drawn to an isolated polynucleotide, an expression vector, a recombinant host cell and a method of producing the encoded protein, without traverse. However, in response to the additional restriction, Applicants elect SEQ ID NO:2, with traverse. Applicants' group and election read on claims 1-17 and 24. Claims 18-23 and 25-32 are withdrawn from consideration in this case; however, Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration of the nucleotide restriction (SEQ ID NOs:2, 46, 18, 22) in this case and submit that the nucleotides as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the nucleotides are so interrelated that a search of one group of claims will reveal art to the others. More specifically, SEQ ID NOs:2, 46, 18, 22 recited in claims 1-17 and 24 share a common structural feature of zcytor17, the cytokine binding domain. Each species includes amino acid residues 20-225 of SEQ ID NO:2. These residues define the approximate boundary of the cytokine-binding domain of zcytor17lig (page 17, lines 21-22 of the instant

Response to Restriction Requirement

Page 3 of 3

Applicants: Sprecher et al.

Serial No.: 09/892,949

Filed: June 26, 2001

For: CYTOKINE RECEPTOR ZCYTOR17

application). Hence unity of invention exists. Applicants submit that it would be improper for the Office to refuse to examine that which Applicants regard as their invention. Accordingly, reconsideration and withdrawal of the restriction requirement with respect to SEQ ID NOs:2, 46, 18, 22 are respectfully requested.

Early reconsideration and allowance of the pending claims under examination are respectfully requested. If the Examiner believes that a telephone interview would expedite prosecution of the above-identified patent application, please call the undersigned at (206) 442-6540.

Respectfully Submitted,



Brian J. Walsh
Registration No. 45,543

Enclosures:

- Preliminary Amendment
- Petition and Fee for Extension of Time (in duplicate)
- Amendment Fee Transmittal (in duplicate)
- Postcard